



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
September 14, 2023 at 6:30 pm

CALL TO ORDER:

Mr. Bunge called the Board of Zoning Appeals meeting to order at 6:30 pm, on Thursday, September 14, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present Via Zoom: None. **Members Present:** Eric Burnham; Greg Parker; John Kiepura, Vice Chairman; Jeff Bunge, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent:** Ray Jackson

Approval of Minutes:

Mr. Bunge entertained a motion for the Minutes of the July 13, 2023 and August 10, 2023 meetings; a motion was made by Mr. Kiepura and seconded by Mr. Burnham to approve the same. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

Old Business:

1. 2023-21 Tiller – Developmental Variance & Variance of Use – 7611 W 140th Ave
Owner: John & Kathy James, 7705 W 140th Avenue, Cedar Lake, IN 46303
Petitioner: Michael & Kennedy Tiller, 7611 W 140th Avenue, Cedar Lake, IN 46303
Vicinity: 7611 W 140th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated the first order of old business is a petition request for a Developmental Variance to construct a garage addition for a total square footage of 1,360 square feet and a Variance of

Use to allow the Petitioner to allow for a second residential use of an in-law suite on a lot in an R-2 Zoning District. Mr. Austgen advised legals are in order.

Ms. Abernathy commented this was re-advertised and after the last meeting it was talked about seeing if they could move the garage and make it attached. Mr. Tiller found in our definitions that “an accessory building or structure can be considered attached when the substantial portion of it is attached less by way of a roof by doing the breezeway and it being connected by a roof which may get them part of the primary structure.” Because Mr. Tiller found that and I was not aware of it, it was re-advertised to make it correct. He is looking for 1,360 square feet for an attached garage size and our maximum is 1,100 square feet.

Mr. Michael Tiller, 7611 W. 140th Avenue, stated the sanitary line comes out on the west side and it cannot be altered. Attaching the whole garage to the side of the house cannot happen. We have to stay a foot away from the existing sanitary line from inside the house. Discussion ensued. We are requesting the extra 260 square feet for the garage and we provided a Site Plan. We are changing the side yard from 6-feet to 8-feet.

Mr. Kiepura commented there will be 260 square feet overage.

Mr. Parker asked is this going to be in-law suite and not a rental dwelling. Mr. Tiller responded it will not be a rental. Mr. Parker asked in the approval to state not be used as a rental dwelling. Mr. Austgen responded we can state that.

Mr. Kiepura asked if this is contingent on buying the property next door. Mr. Tiller responded in the affirmative and they would need to go through the Plan Commission for a one-lot subdivision. Discussion ensued.

Mr. Bunge asked if there were any remonstrators for or against this petition. Seeing none; public portion of this hearing is closed.

Ms. Abernathy commented Mr. Tiller is right and Mr. Kubiak and I looked how close they can get to the sanitary line and it is right where it needs to be. Any approvals need to be contingent upon Plan Commission approvals.

Mr. Bunge asked will the roofline that attaches the two buildings together from the Site Plan enough to consider it part of the primary structure. Ms. Abernathy responded in the affirmative.

A motion was made by Mr. Kiepura to approve the Developmental Variance to allow the Petitioner to construct a garage addition for a total of 1,360 square feet and not to rent out the attached garage, contingent on the purchase of the land and the Plan Commission's approval of a two-lot subdivision per the Findings of Fact and seconded by Mr. Parker. Motion passed by unanimously roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

Mr. Bunge asked if there were any remonstrators for or against this petition. Seeing none; public portion of this hearing is closed.

A motion was made by Mr. Parker to send a favorable recommendation to the Town Council with the same contingencies as the Developmental Variance with the Findings of Fact and seconded by Mr. Kiepura. Motion passed by unanimously roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

2. 2023-22 Marsh– Developmental Variance – 9812 W 136th Place
Owner/Petitioner: Edward J. Marsh, 9812 W. 136th Place, Cedar Lake, IN 46303
Vicinity: 9812 W. 136th Place, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of old business is a Petition request for a Developmental Variance to construct a 4-foot picket-style fence to be located 3 feet from the property line. Mr. Austgen advised legals are in order.

Mr. Edward Marsh, 9812 W. 136th Place, stated on the side of the house is a 32-foot easement and they would like to go 29-feet and be 3-feet from the sidewalk to construct a 4-foot picket fence.

Mr. Bunge asked is that side along Utopia and is it serviced by a sidewalk. Mr. Marsh responded in the affirmative.

Mr. Parker commented that Nick Mager, Deputy Fire Chief looked at it and he is ok with it.

Ms. Abernathy commented the neighbor across the street did a 6-foot privacy fence, but this is a 4-foot, picket style fence that will be open and it should not impede or give any visual problems to pedestrians.

Ms. Abernathy agreed that Nick Mager, Deputy Fire Chief did sign off on the location of the fence from the fire hydrant.

Mr. Kiepura commented he doesn't see where safety comes into play. Mr. Bunge commented we have allowed 20-feet off of the sidewalk, especially in the older established neighborhoods. Discussion ensued regarding the style of the fence waiting to be built.

Mr. Bunge asked if there were any remonstrators for or against this Variance. Seeing none; public portion of this hearing is closed.

Mr. Burnham asked is there a utility door coming off of the garage. Mr. Marsh responded in the affirmative. Mr. Burnham stated they took part of the fence apart for the fire hydrant, they are off of the curb and has a utility door by the shed so that deserves to be closed in.

A motion was made by Mr. Parker to approve the Developmental Variance to allow the Petitioner to construct a 50% open, 4-foot picket-style fence to be located 3 feet from the property line per the Findings of Fact and seconded by Mr. Burnham. Motion passed by roll-call vote: 3 - Ayes, to 1 - Nay.

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Nay
Mr. Bunge Aye

New Business:

1. 2023-23 Fasano – Variance of Use – 6544 W 130th Avenue
Owner/Petitioner: Molly Fasano, 6544 W 130th Ave, Cedar Lake, IN 46303
Vicinity: 6544 W 130th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated the first order of new business is for a Variance of Use to allow the Petitioner to operate a hair salon in an R-2 Zoning District. Mr. Austgen advised legals are in order.

Ms. Molly Fasano, 6544 W. 130th Avenue, stated she would like to operate a hair salon out of her home and the hours of operation would be 9 am to 7 pm. The days of operation would be Tuesday through Saturday.

Mr. Burnham commented only two clients are permitted at a time and this Variance of Use would have to be a favorable recommendation to the Town Council.

Mr. Kiepura asked where would the clients park. Ms. Fasano stated in the driveway.

Mr. Bunge asked if there were any remonstrators for or against this Variance of Use.

Board of Zoning Appeals
September 14, 2023

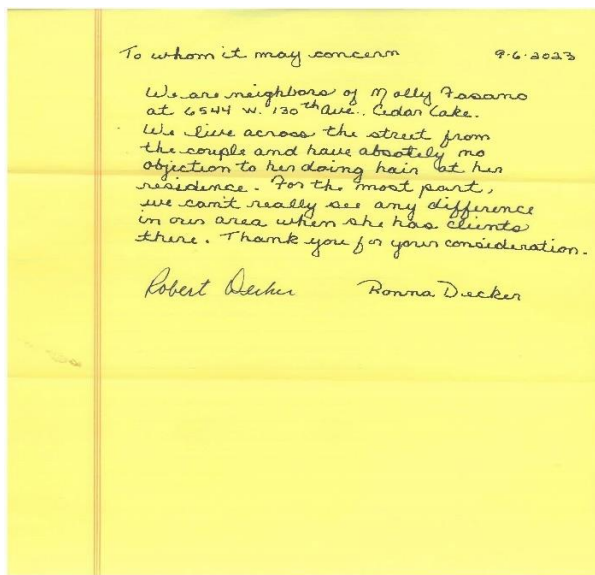
To whom it may concern:

I live at 6588 W. 130th Ave. in Cedar Lake, IN. I am a neighbor of Molly Fasano's. I have no objections to Molly having a home salon.

Kostadin Risteovski

Resana Risteovski

Dimce Risteovski



Mr. Bunge closed the public portion of this hearing.

Ms. Abernathy commented the building inspector will need to come into the home and approve the location of the hair bowl and will get it coordinated with the building inspector.

A motion was made by Mr. Parker to send a favorable recommendation to the Town Council for the Variance of Use to allow the Petitioner to operate a hair salon in an R-2 Zoning District and contingent on the Building Department approval of the hair bowl location, Tuesday through Saturday and hours of operation 9 am to 3 pm with two late nights until 8 pm, maximum of two clients at a time, no signage or on street parking per the Findings of Fact and seconded by Mr. Burnham. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepora Aye
Mr. Bunge Aye

2. 2023-24 Bieber – Developmental Variance – 14109 Lauerman Street

Owner: Michael A & Susan M Bieber, 14109 Lauerman Street, Cedar Lake, IN 46303

Petitioner: Michael A Bieber, 14109 Lauerman Street, Cedar Lake, IN 46303

Vicinity: 14109 Lauerman Street, Cedar Lake, IN 46303

Mr. Bunge stated the next order of new business is for a Developmental Variance to allow the Petitioner to construct a 1,260 square foot detached garage of metal material with a 420 square foot overhang for a porch, for a total accessory structure size of 2,075.28 square feet, including the existing shed, to be located 26 feet from the road. Mr. Austgen advised legals are in order.

Mr. Michael Bieber, 14109 Lauerman Street, stated he would like to build an accessory building to store watercraft inside.

Mr. Burnham asked is there a driveway to get back to the garage. Mr. Bieber commented there is a driveway onto 141st Lane.

Mr. Kiepura asked how big is the property. Ms. Abernathy commented 18,040 square feet. Mr. Kiepura stated he doesn't meet the requirements for property size. Ms. Abernathy responded, which is why he is requesting the total accessory structure size of 2,075.28 square foot including the overhang for the porch and the existing accessory structure on the property. Discussion ensued.

Mr. Bunge commented we do not allow metal structures, which is part of the Ordinance. Ms. Abernathy stated metal buildings are allowed if they are greater than 1,001 square feet in size provided a conformance with the rest of the requirements. Discussion ensued.

Mr. Parker asked are metal sides allowed on this type of structure. Ms. Abernathy commented if it is 1,001 square feet, it is allowed per the Ordinance and needs to meet all of the other requirements for the accessory structure. It has to be 1.1 acres or greater, because there needs to have the ability to have at least 1,001 square foot building. Discussion ensued.

Ms. Abernathy stated with the building, the shed and not including the overhang, it would be 1,655.28 square feet total and it puts it 655.28 feet over. The overhang was included because it was the recommendation of Mr. Tim Kubiak. Mr. Kiepura commented he has less than half which is 18,500 square feet. Mr. Parker commented the 43,560 square feet is for a pole building and this is not because it is going to have footing under. Mr. Kiepura commented we do not allow metal buildings less than an acre.

Mr. Parker asked if it were a vinyl sided garage accessory structure, does he meet the Variances for that. Ms. Abernathy stated he would need the Variance for the metal material. If it is the same size with the porch and the existing shed, he would still need the accessory structure size Variance.

Mr. Parker commented the lot coverage is not over, and what has the BZA done in the past with an oversized garage. Mr. Kiepura commented we have granted oversized garages in the past, but it is the metal structure and it being too small of a lot. Discussion ensued regarding the pole barn.

Mr. Kiepura commented to ask for a deferral and come back with a new plan.

Mr. Bunge asked if there were any remonstrators for or against this Variance. Seeing none; public portion of this hearing is closed.

Mr. Parker asked should they come back with another plan or proceed with this Variance and request an oversized garage. Mr. Austgen advised this would be up to the Board. Mr. Burnham stated the Petition states proposed garage. Discussion ensued regarding the details of a proposed garage.

Mr. Kiepura asked should they change the design or the wording. Mr. Austgen stated they can come back and say pole barn so it matches of what is going to occur.

Mr. Austgen commented the dialogue and engagement for this item is important for our Zoning Ordinance implementation. There was a lot of time for those of you who participated and a lot of time spent on accessory buildings and area, quality, material, and size of a lot coverage. This was helpful and it sounds like the Board is amenable to what is proposed, but it is that our Ordinance is being followed strictly and it gives a good path for future assessments and decisions that will help provide additional guidance that will help staff, the Building Department and will be a clear, kind of explanation to people with property.

Mr. Bieber asked if the wall height is ok. Mr. Parker asked what is the height restriction on the Zoning Ordinance. Ms. Abernathy commented wall height is 10-feet, but if they are matching style roof type and that can go higher than the maximum height and as long as they are meeting a similar roof design. Mr. Kiepura commented the peak of the roof cannot be higher than the existing house.

A motion was made by Mr. Parker to defer this to the next meeting on October 12, 2023 with a re-design and re-submit of the plans and seconded by Mr. Burnham. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

3. 2023-25 Taco Bell – Developmental Variance – 13313 Wicker Avenue
Owner: Black River Bells, LLC, 7915 Kensington Court, Brighton, MI 48116
Petitioner: Matt DaPra, 7915 Kensington Court, Brighton, MI 48116
Vicinity: 13313 Wicker Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a petition requesting a Developmental Variance to allow the Petitioner to install 139.39 square feet of signage on a new Taco Bell restaurant.

Mr. Matt DaPra, Black River Bells, LLC, 7915 Kensington Court, Brighton, Michigan, stated they would like to request a Developmental Variance for building signage on the new Taco Bell at 13313 Wicker Avenue, Cedar Lake. The Ordinance currently states there is only one square footage of building signage per linear foot of building frontage. Currently our building is approximately 29 linear feet of building frontage due to the small footprint and frontage of the building doesn't allow adequate signage for the building. The biggest concern is the building not being visible without not having enough building signage. This is a right-in, right-out site only.

Mr. Kiepura asked are the signs going to be on the building. Mr. DaPra responded in the affirmative, except for the pylon sign out front.

Ms. Abernathy commented they are 110 square feet over for a sign. A lot of Taco Bells are going to a smaller design because people are doing more online ordering and going through the drive-thru. They have a small footprint building which is only 29 linear feet and the Zoning Ordinance does not dictate how many signs they can have. It is one square foot for one linear foot. They can get one of their elevation signs and with it being a right-in, right-out, there would be concern if they do not have enough signage to properly indicate that.

Mr. Parker commented the building was up to a maximum of 100 square feet. Ms. Abernathy stated it is the maximum allowed, so they are 39.39 square feet over that, but over the amount they are allowed for their size building, is 110 square feet.

Mr. Kiepura asked do directional signs counts as signage. Ms. Abernathy responded in the affirmative. Mr. Kiepura commented he thought that would count as safety. Mr. DaPra stated the building will have three bell logos and are for identification. Discussion ensued.

Mr. Bunge asked if there were any remonstrators for or against this Variance. Seeing none; public portion of this hearing is closed.

Mr. Bunge asked what are the hours of operation and will the signs be timed or dimmed. Mr. DaPra commented 8 am until 1 or 2 am but will be based on sales. The lights do not have the ability to be dimmed and they will be lit up.

A motion was made by Mr. Burnham to allow the Petitioner to install 139.39 square feet of signage on a new Taco Bell restaurant per the Findings of Fact and seconded by Mr. Kiepura. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye

Mr. Parker Aye

Mr. Kiepura Aye

Mr. Bunge Aye

4. 2023-26 Herman – Developmental Variance – 7429 W 136th Court

Owner/Petitioner: Sandra Herman, 7429 W 136th Court, Cedar Lake, IN 46303

Vicinity: 7429 W 136th Court, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a petition requesting a Developmental Variance to allow the Petitioner to construct a free-standing carport over their driveway less than the six feet setback required. Mr. Austgen advised legals are in order.

Ms. Sandra Herman, 7429 W. 136th Court, stated she has a 100-foot driveway and would like to put up a carport because there isn't enough space for a garage.

Mr. Parker asked if the carport can be free standing. Ms. Abernathy stated it has to be attached and it can be open on three sides, but attached to the structure.

Ms. Herman commented the height of the carport will be 8-feet and two panels three feet each, so it would be six-feet down to help stop some of the wind and another panel on the other side. Mr. Parker commented it meets the definition of hardship.

Mr. Bunge asked if there were any remonstrators for or against this Variance. Seeing none; public portion of this hearing is closed.

Ms. Abernathy commented there are no major comments, but we request that any approvals are based on the plans submitted so it will be easier for the permitting process.

Mr. Bunge asked how is the carport going to be attached to the ground. Ms. Herman commented it will be installed in asphalt. Discussion ensued.

Mr. Parker commented whoever is going to install the carport will have to come in and get a permit and it will have to be installed per the Town's building standards.

A motion was made by Mr. Burnham to grant this Developmental Variance to allow the Petitioner to construct a free-standing carport over their driveway less than the six-foot setback required per the Findings of Fact and seconded by Mr. Parker. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

5. 2023-27 Ranieri – Developmental Variance – 7528 W 128th Court

Owner/Petitioner: Luigi & Camelina Ranieri, 915 Winston Drive, Melrose Park, IL 60160

Vicinity: 7528 W. 128th Court, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a petition requesting a Developmental Variance to allow the Petitioner to construct a 32-foot by 24-foot garage on a lot without a residential structure. Mr. Austgen advised legals are in order.

Mr. Luigi Ranieri, 915 Winston Drive, Melrose Park, IL stated he would like to build a garage without a residential structure. He thought the timeframe to build a home was five years after building a garage.

Mr. Bunge commented we have to look at everything individually and what happened in the past may not happen again.

Mr. Ranieri commented he cannot guarantee the home will be built in a year after the garage is built, and wants to withdraw the request.

A motion was made by Mr. Parker to withdraw this Petition request and seconded by Mr. Burnham. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

6. 2023-28 Goff – Developmental Variance – 6500 W 129th Avenue

Owner/Petitioner: Lawrence M. Goff, 6500 W 129th Avenue, Cedar Lake, IN 46303

Vicinity: 6500 W 129th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a petition requesting a Developmental Variance to construct a 1,200 square foot accessory structure of metal material with a 128 square foot attached porch/lean-to, for a total accessory structure size of 1,453.38 square feet, including

the existing shed. Mr. Austgen advised legals are in order and concurs with Ms. Abernathy's amendment for purposes of completion of an accurate record and accurate application.

Ms. Abernathy commented she needed to make an amendment of also a request for a peak height of 18-feet and a wall height of 14-feet.

Mr. Parker asked what is the lot square footage. Mr. Kiepura stated 23,025 square feet.

Mr. Lawrence Goff, 6500 W. 129th Avenue, stated he wants to build a pole barn and it will be used for storage and a wood shop.

Ms. Abernathy commented the lot is 307-feet in length and 75-feet in width. Mr. Kiepura asked what would be the percentage of lot coverage. Ms. Abernathy commented .06, because all together with the footprint of the existing house, the proposed structure and the existing shed is only 1,436 square feet on a lot that is 23,025 square feet, so it is an extremely low lot coverage.

Mr. Burnham asked why is the tree line the way it is. Mr. Goff commented that was like that when they bought the house. Mr. Burnham asked is the new building going to be in front or behind that tree line. Mr. Goff commented in front of the tree line, which is 20-feet off of the back property line. Discussion ensued.

Mr. Kiepura asked how will they get to the pole barn. Mr. Goff commented they have a gate to the backyard and can drive to the back.

Mr. Bunge asked if there were any remonstrators for or against this Variance.

To Whom It May Concern, 9/13/23
(Development/Variance)
In Reguard to the Zoning Appeal by
my Neighbor Lawrence m Goff at 6500 W 129th Ave
Cedar Lake, Indiana, my main concern is
this Structure may Cause additional flooding
into my back lots catop of the extreme
flooding I currently get from the Krystal
Oaks development behind me at 6450 W 129th
Ave, Cedar Lake, Indiana.

Thank you,

Jinda Hargis
6450 W 129th Ave
Cedar Lake, IN 46303
219-689-6641

Mr. Bunge commented public portion of this hearing is closed.

Mr. Burnham commented they need to change the metal structure to a wood structure and build it within the specifications of the Town. Discussion ensued.

Discussion ensued regarding drainage in this area.

Mr. Goff asked what does the wall height have to be. Ms. Abernathy commented 10-feet, but if it is a detached garage that is the same roof line and style as the house you can exceed the height. Mr. Parker commented the roof can be cut to get more height inside the building, but it cannot exceed the height of the house. Mr. Goff asked can they get another Variance to go higher on the wall height. Mr. Bunge stated this would need to be re-advertised. Mr. Goff commented they advertised for the 14-foot walls. Ms. Abernathy commented we amended this on the record for the 14-foot wall height and the 18-foot peak height.

A motion was made by Mr. Parker to defer this item to the next public meeting and seconded by Mr. Burnham. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye

PUBLIC COMMENT:

Mr. Scott Gerstenkorn, 13317 Wicker Avenue, stated they are having problems with the construction of Taco Bell. They cut our Comcast lines and we lost service. The coaxial cable carries our phone and internet service and our software for the office. When the retaining wall was being put in, the area was dug out and a line was pulled out. We contacted the Building Department and they could not give the name of the general contractor over the phone and they were going to give the information to the general contractor and there has not been a return phone call. Mr. Kubiak gave me the general contractor's name and I texted him a letter regarding the damages and costs and things that were associated with this. The general contractor said it was the location services fault for not locating the line and the other concern was the line was on their property. They are saying they do not have any responsibility for this issue. Mr. Kubiak was going to talk to the general contractor.

Ms. Abernathy asked if there have been any other incidents. Mr. Gerstenkorn responded in the negative. Ms. Abernathy commented she discussed the issues with Mr. Matt DaPra and he talked with the general contractor and that no further or additional issues that this will happen.

Mr. Gerstenkorn commented we requested that the general contractor pay for the Comcast, coming out for lost time and business interruption. Ms. Abernathy commented this would be a civil matter between two property owners.

Mr. Austgen asked does the general contractor have surety with the Town. Ms. Abernathy stated every contractor has to have, as part of their license, for general, they have to have a Lake County license and a recorded Lake County Bond and we have to have a Certificate of Insurance.

Mr. Austgen stated there is a remedy and needs the attention of the contractor that caused the problem and we will not get involved in mediation, but we are responsible to help our citizens.

Mr. Terry Broadhurst, 14513 Morse Street, commented he wanted to make a suggestion with the Petitioner's situation that maybe in the fine print that the contractor or general contractor who pulls a permit to immediately contact the parties involved if any type of damage occurs when working.

ADJOURNMENT: Mr. Bunge adjourned the meeting at 8:55 p.m.

TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

Jeff Bunge, Chairman

John Kiepora, Vice Chairman

Eric Burnham

Greg Parker

Ray Jackson

ATTEST:

Cheryl Hajduk, Recording Secretary

These Minutes are transcribed pursuant to IC 5-14-1.5-4(b) which states:

(b) As the meeting progresses, the following memoranda shall be kept:

(1) The date, time, and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

Minutes of September 14, 2023